<u>**REMARKS/ARGUMENTS**</u>

As indicated in the Office Action, clams 1-8 and 10-21 were rejected on various grounds under 35 U.S.C. § 101, 102(e), and 103. While Applicants respectfully disagree with the rejections, Applicants have amended independent claims 1, 13, and 16 to clarify the scope of the pending claims and expedite prosecution. No new matter has been added, and claims 1-8 and 10-21 remain pending. Applicants respectfully traverse the various grounds of rejections for at least the reasons set forth below.

I. Rejections under 35 U.S.C. § 101

Claims 1 and 16 stand rejected under 35 U.S.C. § 101 for allegedly not falling into one of the statutory categories of invention. Specifically, it is alleged that independent claims 1 and 16 both recite a series of steps or acts to be performed without positively reciting a statutory category of invention. Applicants respectfully disagree with the Office Action's categorization of claims 1 and 16 as non-statutory subject matter under 35 U.S.C. § 101.

"A claimed process is surely patent-eligible under § 101 if: (1) it is tied to a particular machine or apparatus, **or** (2) it transforms a particular article into a different state or thing."[1] In *Bilski*, the court explained that the transformation of raw data representing physical and tangible objects "into a particular visual depiction of a physical object on a display was sufficient to render" a claim patent-eligible.[2] The court emphasized that claims are "not required to involve any transformation of the underlying physical object that the data represent" given there was electronic transformation of the

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[1] *In re Bilski*, 545 F.3d 943, 954 (Fed. Cir. 2008).
[2] *Id*. at 963.

data itself into a visual depiction.[3] Indeed, the court stated that "so long as the claimed process is limited to a practical application of a fundamental principle to transform specific data, and the claim is limited to a visual depiction that represents specific physical objects or substances, there is no danger that the scope of the claim would wholly pre-empt all uses of the principle."[4] In view of *Bilski*, Applicants respectfully submit that independent claims 1 and 16 meet at least the second prong of the *Bilski* test.

Independent claim 1 recites a "method of using a program ... for *__converting an input image__* having a source format to *__an output image__* __having a desired stereoscopic format__." The method of claim 1 comprises "receiving the input image," and "*__converting__* each pixel of the input image to a corresponding pixel for an output image in accord with a support table matrix...." Similar elements are also recited in independent claim 16. It is to be appreciated that data – the input image– is transformed into an output stereoscopic image by the method recited in claims 1 and 16. Accordingly, such a transformation of data into stereoscopic perspective representation renders claims 1 and 16 patent-eligible under the *Bilski* test. At least for the above reasons, Applicants respectfully assert that independent claims 1 and 16 are directed to patentable subject matter and request that the 35 U.S.C. § 101 rejections be withdrawn.

II. Rejections under 35 U.S.C. § 102(e)

Independent claims 1 and 16 stand rejected under 35 U.S.C. § 102 for being anticipated by U.S. Patent Pub. No. 2002/0122585 to Swift et al. ("*Swift '585*").

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[3] *Id.*
[4] *Bilski*, 545 F.3d at 963.

Applicants respectfully submit that the amendments presented herein have rendered the rejections

Claim 1 recites a method of converting an input image of a source format to an output image of a desired stereoscopic format, including in part, steps of "**identifying, using a support table matrix, display methods that are compatible** with the source format of the input image …," and "**allowing a desired display method to be chosen from identified compatible display methods** …." Similar elements are also included in independent claim 16. As disclosed at page 7, line 25 to page 8, line 8 of Applicants' Specification, a support matrix table may be configured to contain information to establish whether the combination of converting the first format to the second format for a desired display method is possible to produce, and whether the combination is supported by a viewer to display the output images in the desired display method. Such a support matrix table may be "used to prevent invalid combinations from being available and selectable by the user." *Id* at page 8, lines 7-8.

Applicants respectfully assert that the steps of identifying compatible display methods and allowing a desired display method to be chosen from compatible display methods are wholly missing in *Swift '585*. *Swift '585* is directed to delivering stereoscopic media and expressly discloses (paragraph [0028]), for example, a mechanism to increase or decrease the size at which media is displayed while preserving the stereo. In addition, *Swift '585* explicitly discloses various embodiments for image scaling performed based upon identification of a storage method of the images, wherein the display size is increased or decreased based upon the storage method. The disclosure of *Swift '585*, however, neither contemplates the possibility that a source format may be

incompatible with some display methods nor provide a way to identify and distinguish compatible display methods.

Although it is alleged in the Office Action that the use of a support matrix table to convert an input image to an output image is inherently taught in *Swift '585* – an allegation that Applicants respectfully disagree – this alleged inherent teaching pertains only to the conversion of an image but not to the identification of compatible display methods. One of ordinary skills in the art will appreciate that the steps of identifying compatible display methods and allowing a desired display methods to be chosen from the identified display methods are separate and apart from the step of simply converting an image. Accordingly, Applicants respectfully submit that *Swift '585* does not teach or suggest every element of claims 1 and 16 and therefore does not anticipate these claims. Applicants further respectfully request the withdrawals of the rejections under 35 U.S.C. § 102(e) with respect to claims 1 and 16 and all claims dependent therefrom.

II. Rejections under 35 U.S.C. § 103

Claims 2, 13, 14, and 17 stand rejected under 35 U.S.C. § 103 for being unpatentable over *Swift '585* in view of U.S. Patent No. 6,556,236 ("*Swift '236*"). Claims 3-6, 8-12, and 18-21 stand rejected under 35 U.S.C. § 103 for being unpatentable over *Swift '585* in view of U.S. Patent No. 5,982,942 to Loveridge ("*Loveridge*").

Dependent claim 2, which depends from claim 1, includes all the limitations of claim 1. As discussed above with respect to claim 1, *Swift '585* neither contemplates the possibility that a source format may incompatible with some display methods nor provide a method to identify and distinguish compatible display methods. Moreover, these

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deficiencies of *Swift '585* are not cured by *Swift '236* or *Loveridge*, which are entirely silent regarding identifying incompatible display methods. Accordingly, dependent claim 2 is patentably distinct from the references cited in the Office Action.

Independent claim 13 as amended recites a device for converting an input image having a source format to an output image having a desired stereoscopic format including, in part, "a software-enabled matrix … **operable to be used to identify display methods that are compatible with the source format of the input image**…." (emphasis added). Claim 13 further recites a "process … configured to **allow a desired display method to be chosen from compatible display methods**…." (emphasis added). The Office Action alleges that *Swift '236* discloses object mappings that establishes validity by making proper conversions, and such disclosures cure the deficiencies of *Swift '585*.

Applicants respectfully submit that the amendments to claim 13 have rendered the rejection of claim 13 under 35 U.S.C. § 103 moot. As discussed above, the disclosure of *Swift '585* neither contemplates the possibility that a source format may incompatible with some display methods nor provide a method to identify and distinguish compatible display methods. Moreover, these deficiencies of *Swift '585* are not cured by *Swift '236* or *Loveridge*. Since *Swift '585*, *Swift '236*, and *Loveridge* do not teach or suggest the above discussed elements of independent claims 13 as amended, they fail to establish a *prima facie* case of obviousness under 35 U.S.C. § 103. For at least the reason detailed above, Applicants respectfully request that the withdrawal of the rejections of claim 13 and its dependent claims.

CONCLUSION

Based on the above Amendments and remarks, Applicants respectfully assert that the pending claims are in condition for allowance and, as such, a Notice of Allowance is respectfully requested. Applicants believe that no additional fees are necessitated by this response.

The Commissioner is hereby authorized to charge any additional fees required by this response to our Deposit Account No. **13-0480** (Attorney Docket No. 95194936-044021).

Respectfully Submitted,

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